

The Civil Service Commission has established the Civil Service Adviser to enhance delivery of information on important employment issues and policies affecting the merit system of the City and County of San Francisco.

APPEALS ON FUTURE EMPLOYMENT RESTRICTIONS

Civil Service Adviser

Many changes have occurred in the past decade relating to Release, Discharge and Automatic Resignation of city employees. With Civil Service Charter reforms of the 1990's including provisions for collective bargaining and contract grievance arbitration procedures on discipline and discharge, the nature of appeals on separation matters within the jurisdiction of the Civil Service Commission has changed. This issue of the Adviser attempts to clarify where the Civil Service Commission has jurisdiction and what may be appealed to the Civil Service Commission.

The Civil Service Commission conducts hearings on appeals on future employment restrictions with the City and County of San Francisco and in classified positions at the San Francisco Unified School District and San Francisco Community College District. When taking an action, the Civil Service Commission may uphold, modify or reject the recommendation made by the Human Resources Director, appointing authority/department head, or for Service-Critical Classifications at the Municipal Transportation Agency, the Director of Transportation.

Appeals on recommendations on future employment are forwarded to the Civil Service Commission for a hearing when the grievance/arbitration process has been completed. The Commission's decisions are public and made when the matter is heard. Should an appellant not appear, the Commission acts on the matter based on the written materials submitted. In all cases, the decision of the Civil Service Commission is final.

Probationary Permanent Civil Service - Release: Rule Series 17 addresses the definition and administration of Probationary Periods applicable to all employees. The appointing authority/department head may release an employee at any time during the probationary period. Except in cases where the appointing authority/department head releases an employee for disciplinary reasons and recommends restrictions on future employment, there is no appeal to the Civil Service Commission. Appeals of the department head recommendation on future employment must be filed within 20 days as specified on the Notice of Separation form.

Permanent Civil Service-Discharge: The decision of the appointing authority/department head to discharge an employee may be subject to the applicable grievance/arbitration procedures found in the collective bargaining agreement. Appeals to the Civil Service Commission on the recommendation of the appointing authority/department head on future employment must be filed within 20 days as described in the Notice of Separation form.

Provisional Employees: Generally, provisional employees are considered "at-will" appointments (CSC Rule Series 14) and serve at the pleasure of the appointing authority/department head. However, some collective bargaining agreements have grievance/arbitration procedures applicable to some provisional employees. Future employment restrictions

may be recommended by the department to the Human Resources Director. Employees may appeal the Human Resources decision (CSC Rule Series 05.12 Other Matters) to the Civil Service Commission within 30 days of the postmarked mailing date of the notice of the decision.

Exempt: In accordance with City Charter Section 10.104, employees appointed as "exempt," are considered "at-will" appointments (Charter Section 10.104) and serve at the pleasure of the appointing authority/department head. Future employment restrictions may be recommended to the Human Resources Director. Employees may appeal the Human Resources Director's decision (CSC Rule Series 05.12 Other Matters) to the Civil Service Commission within 30 days of the postmarked mailing date of the notice of decision.

Automatic Resignation: The Commission's jurisdiction on Automatic Resignations covers the employee's eligibility for future employment with the City. Appeals on the recommendation of the appointing authority/department head on future employment must be filed within 15 days. If there is no grievance available through the collective bargaining agreement, the Civil Service Commission has full authority to rule on the Automatic Resignation. Appeals on the decision of the appointing authority/department head to file an automatic resignation must be filed within 15 days. (See Adviser No. 16/2002 for more information)

Unsatisfactory Resignation: The Commission's jurisdiction on unsatisfactory resignations covers the employee's eligibility for future employment with the City. Appeals on the recommendation of the appointing authority/department head on future employment must be filed within 20 days.

Removal of Employment Restriction: The Civil Service Commission Rules allow former employees to request the removal of a department ban after five (5) years. The request is submitted to the Human Resources Director for recommendation to the Civil Service Commission whose decision is final.

Filing an Appeal

Civil Service Commission Rules, Policies, and Procedures require that instructions on how to file an appeal and deadlines for filing be included in the Notice to affected individuals and, when applicable, their representative or advocate.

Appeals must be filed in writing and submitted to the Executive Officer, Civil Service Commission at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 within the time frames specified in the Civil Service Commission Rules. Appeals may also be filed by fax - (415) 252-3260 followed by an original signed copy submitted to the Commission office. A Request to Appeal form is available on the Commission website (www.sfgov.org/civil_service) and in the Civil Service Commission office. Appeals may **not** be filed by E-mail.



QUESTIONS:

Department Of Human Resources:
 Merit System Services 557-4923
 Employee Relations Division 557-4990
 Internal Services 557-4849
 Equal Employment Opportunity 557-4832
 Civil Service Commission 252-3247
 Website: www.sfgov.org/civil_service

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